

AMENDED IN SENATE MAY 4, 2009
AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 135

Introduced by Senator Florez
(Coauthors: Senators DeSaulnier and Hancock)

February 10, 2009

An act to amend Section 597n of the Penal Code, relating to animal abuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 135, as amended, Florez. Animal abuse: cattle: tail docking.

Existing law makes it a misdemeanor for any person to cut the solid part of the tail of any horse in the operation known as "docking."

This bill would likewise prohibit the docking of cattle, as defined, except as specified. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 597n of the Penal Code is amended to
2 read:

597n. (a) Any person who cuts the solid part of the tail of any horse or cattle in the operation known as “docking,” or in any other operation performed for the purpose of shortening the tail of any horse or cattle, within the State of California, or procures the same to be done, or imports or brings into this state any docked horse, or horses, or drives, works, uses, races, or deals in any unregistered docked horse, or horses, within the State of California except as provided in Section 597r, is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to “docking” ~~performed during an individual treatment, emergency, or operation, if the treatment or operation is performed by a veterinarian licensed in the state for veterinary purposes, provided that the treatment or operation is performed in compliance~~ *when the solid part of an animal’s tail must be removed in an emergency for the purpose of saving the animal’s life or relieving the animal’s pain, provided that the emergency treatment is performed by a licensed veterinarian and is performed consistent with the Veterinary Medicine Practice Act (Commencing with Section 4811) of Article 1 of Chapter 11 of Division 2 of the Business and Professions Code, and under the following conditions:*

~~(1) The animal has been adequately anesthetized to minimize the animal’s pain and suffering during the treatment or operation.~~

~~(2) In such a way as to minimize the long-term pain and suffering resulting from the treatment or operation.~~

~~(3) Using only suitable instruments.~~

~~(4) In hygienic conditions.~~

(c) For the purposes of this section, “cattle” means any animal of the bovine species.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.